

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION (Lodg) NO.113 OF 2005

Smt.Malvika Sonie Narayan & others.

...Petitioners.

vs.

M/s.Niraj Movies.

...Respondents.

Ashish Kamat i/b. V.Deshpande & Co., for Petitioners.

CORAM: D.K.DESHMUKH, J.

DATED: 28th November, 2005

P.C.:-

This petition is barred by the Law of Limitation. Admittedly, the Award was made on 22.3.2004. The petition has been filed on 24.2.2005. According to the petitioners, after receiving the Award dated 22.3.2004, the petitioner no.1 has filed an appeal before the Executive Committee. The Executive Committee has intimated him by letter dated 16.9.2004 that the appeal is not maintainable. He has

received that communication on 27.12.2004 and therefore, the petitioners have filed the petition on 24.2.2005. Perusal of paragraph no.9 of the petition shows that the petitioners are claiming exclusion of time spent in prosecuting the appeal while computing the period of limitation under Section 34(3) of the Arbitration & Conciliation Act. The Division Bench of this Court has held in the case “2003(4) Mh.L.J. 931, H.M.P.Engineers Ltd. & others. Vs. Ralies India Ltd. and others.” that the provisions of Sections 4 to 24 of the Limitation Act are not applicable to the petition filed under Section 34 of the Arbitration & Conciliation Act. It is clear that the petition is barred by the Law of Limitation. Hence, it is disposed of.
